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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,776	01/27/2004	Kris Kobylinski	CA920030062US1	2455
7590 07/17/2007				
Diana L. Roberts International Business Machines Intellectual Property Law 11400 Burnet Road Austin, TX 78758				
			EXAMINER	
			VERDI, KIMBLEANN C	
			ART UNIT	PAPER NUMBER
			2194	
			MAIL DATE	DELIVERY MODE
			07/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/765,776

Applicant(s)

KOBYLINSKI ET AL.

Examiner

Kacy Verdi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date January 27, 2004.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in response to the Application filed on January 27, 2004. Claims 1-28 are pending in the current application.

Claim Objections

1. Claims 1, 2, 8, 9, 15, 16, 22, and 23 are objected to because of the following informalities:
 - a. claim 1, lines 4 and 8, claims 2, 9, 16, and 23, line 3, claims 8, 15, and 22, lines 7 and 10, the recitation of "said representation", should be "said sequence diagram representation";
 - b. claim 1, line 7, claims 8, 15 and 22, line 9, the recitation of "[,]" should be " , ,";
 - c. claim 1, line 8, claim 8, lines 5 and 10, claim 15, line 10, and claim 22, line 11, the recitation of "said display", should be "said display screen"; and
 - d. Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 15-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claims 15-21, the "computer readable medium," in accordance with Applicant's specification, may be a signal-bearing medium. This subject matter is not limited to that which falls within a statutory category of invention because it is not

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limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

With respect to claims 22-28, the "computer readable modulated carrier signal," is directed to a signal, which is not statutory.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Visualization using Timelines" by Gerald Karam (hereinafter Karam) in view of "From UML Sequence Diagrams and Statecharts to analyzable Petri Net models" by Bernardi et al. (hereinafter Bernardi).

6. As to claim 1, Karam teaches the invention substantially as claimed including a method for presenting event associations between events from one or more event flows on a display screen of a computer, comprising:

constructing a sequence diagram representation (Xtg Visualization, Fig. 2), said representation having timelines for said event flows (time axis along horizontal dimension, page 131, left col., lines 7-9) and

displaying said representation on said display (Human Interface, Display Panel, page 131, left col., lines 1-7, Fig. 4).

Karam does not explicitly teach directional paths between said timelines for said event associations.

However Bernardi teaches directional paths between said timelines for said event associations (Sequence Diagram, SD, Fig. 6).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the Xtg Visualization of Karam with the teachings of UML Sequence Diagrams from Bernardi because this feature would have provided mechanism to stochastically evaluate those behaviors of the systems that are consistent with the patterns of interaction described by a Sequence Diagram (page 35, right col., lines 27-29 of Bernardi), which is a Unified Modeling Language Diagram utilized to capture different aspects and views of the system (page 35, right col. Lines 26-31 of Bernardi).

7. As to claim 2, Karam teaches the method of claim 1 further comprising providing a graphical user interface for selecting a level of detail for said representation (micro view, page 132, right col., lines 20-21).

8. As to claim 3, Karam teaches the method of claim 2 wherein content for said level of detail (e.g. resolution of events, page 133, left col., line 6) is established by a

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predetermined relationship model (e.g. existing data sets, page 132, right col., line 19) for said event flows (macro view of events can be magnified from 4 days to 8 hours, page 133, left col., lines 4-10).

9. As to claim 4, Karam teaches the method of claim 1 further comprising generating said event associations (e.g. measurement of elapsed time of an event relative to one or more other events, page 133, right col., lines 3-4) by selecting associated events from said event flows (e.g. inserting TimeTags, page 133, left col., lines 45-46) in accordance with one or more predetermined parameters (e.g. TimeTag marks time interval in timeline, page 133, left col., lines 47-48).

10. As to claim 5, Karam teaches the method of claim 4 wherein said predetermined parameters include time of occurrence (timestamp recorded for event, page 126, left col., lines 13-15 and 19-20, TimeTag used to measure elapsed time of an event relative to one or more other events, page 133, right col., lines 3-4).

11. As to claim 6, Karam teaches the method of claim 1 wherein said event flows are logs (event stream read from file, page 128, right col., lines 3-5).

12. As to claim 7, Karam as modified teaches the method of claim 1 wherein said sequence diagram is a universal modeling language ("UML") sequence diagram (page 36, left col., lines 7-8 of Bernardi).

13. As to claims 8-14, these claims are rejected for the same reasons as claims 1-7 respectively, see the rejections to claims 1-7 above.

14. As to claims 15-21, these claims are rejected for the same reasons as claims 1-7 respectively, see the rejections to claims 1-7 above.

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15. As to claims 22-28, these claims are rejected for the same reasons as claims 1-7 respectively, see the rejections to claims 1-7 above.


Conclusion

16. The prior art made of record on the accompanying PTO-892 and not relied upon, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kacy Verdi whose telephone number is (571) 270-1654. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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